

MINUTES
TENNESSEE BOARD OF EXAMINERS IN PSYCHOLOGY

Date: June 9, 2004

Time: 9:00 a.m., CST

Location: Tennessee Room
Ground Floor, Cordell Hull Building
425 Fifth Avenue, North
Nashville, TN 37247-1010

Board Members

Present: Scott Gale, Ed.D., Vice Chair
Denise Davis, Ph.D.
Carolyn West-Willette, Ed.D.
William Vaughan, III, Ph.D., Sr. P.E.
Carl Gilleylen, Psy.D.
Robert C. Kores, Ph.D.

Board Members

Absent: Michael Stagg, Esq.
Debra Davenport, MA, Sr. P.E.

Staff

Present: Melody Spitznas, Administrative Services Assistant
Rick Agee, Unit Director
Barbara Maxwell, Administrative Director
Jerry Kosten, Regulations Manager
Robbie Bell, Director of Health Related Boards
Nicole Armstrong, Advisory Attorney
Jonathan Stephens, Litigating Attorney

Dr. Gale, chair, called the meeting to order at 9:06 a.m. A sufficient number of board members were in attendance to constitute a quorum.

Dr. Gale welcomed the new board member, Dr. Kores, to the board.

Conflict of Interest Policy

Ms. Armstrong reviewed the Conflict of Interest Policy with the Board reminding the members this includes sitting in on a case where you feel you would be biased, either against the complainant or the state.

Agreed Order for Richard B. Taran, Ph.D.

Ms. Armstrong presented an agreed order to the board for Richard B. Taran, Ph.D. which resulted from the Alternative Dispute Resolution (ADR) screening panel. Ms. Armstrong stated that John Fitzgerald, Esq., legal counsel for Dr. Taran is at today's meeting.

Ms. Armstrong said the agreed order suspends Dr. Taran's license to practice psychology for one year, places him on probation for two years after the expiration of the one year suspension, requires him to undergo a psychological evaluation, complete 40 hours of Type 1 continuing education for the one year suspension and two year probation period in the respondent's stated areas of practice and include 12 hours of ethics, attend psychotherapy sessions not less than bimonthly, submit semi-annual progress reports from the treating psychologist to the board's designee, be supervised by a board approved psychologist with two monthly face-to-face meetings, requires his supervisor to submit semi-annual progress reports and requires Dr. Taran to appear before the board upon expiration of the probation period to request a board order reflecting successful compliance with the conditions of the probation. Ms. Armstrong said the order further requires Dr. Taran to pay any and all costs relating to the suspension and probation.

Dr. Gilleylen made a motion, seconded by Dr. Kores, to accept the agreed order as written.

Dr. Vaughan, Dr. West-Willette and Dr. Kores voiced their concerns that the conditions of the order are minimum compared to the violations of the practice act.

Upon discussion, a roll call vote was conducted and Dr. Gilleylen, Dr. Kores and Dr. Gale voted to accept the order. Dr. West-Willette and Dr. Vaughan voted to reject the order. Dr. Davis abstained as she was a member of the screening panel. The motion carried.

Agreed Order for Eftim J. Adhami, Ph.D.

Mr. Stephens presented an agreed order for Eftim J. Adhami who is charged with practicing as a psychologist in Memphis, Tennessee without a license. Mr. Stephens said Mr. Adhami, along with a licensed psychological examiner, established a business called "Eftim Adhami Center of Psychological Excellence" in 2000.

Mr. Stephens reviewed the agreed order with the board which requires respondent to be assessed \$500 in civil penalties and court costs of \$170 within thirty days of the effective date of the order.

Dr. Vaughan made a motion, seconded by Dr. Kores, to accept the agreed order as written.

Upon discussion, a roll call voted was conducted and all members voted to accept the order as written. The motion carried.

Agreed Order for Curtis Wall, Licensed Psychological Examiner

Mr. Stephens presented an agreed order for Curtis Wall, Licensed Psychological Examiner, who is charged with holding himself out to be a psychological supervisor and not obtaining supervision from a licensed psychologist pursuant to the rules at that time. Mr. Stephens reviewed the agreed order with the board which requires respondent to be assessed one Type B civil penalty in the amount of \$500, pay costs including investigatory, administrative and reporting costs and places a reprimand on Mr. Wall's license.

Dr. Vaughan made a motion, seconded by Dr. Gilleylen, to accept the agreed order as written.

Upon discussion, a roll call voted was conducted and all members voted to accept the order as written. The motion carried.

Agreed Order for Steven E. Collins, Licensed Psychological Examiner

Mr. Stephens presented an agreed order for Steven E. Collins, Licensed Psychological Examiner, who is charged with forging the name of his previous supervisor on three psychological evaluation reports, after receipt of a letter from his supervisor terminating his services as Mr. Collins supervisor.

Mr. Stephens reviewed the agreed order with the board which places Mr. Collins on probation for two years, complete 6 hours of Type 1 continuing education courses or program in ethics in each year of probation, be supervised by a board approved psychologist with quarterly face-to-face meetings regarding Mr. Collins compliance with the Psychological Examiners Practice Act, requires his supervisor to submit quarterly reports to the board within twenty (20) days following the meeting with Mr. Collins, be solely responsible for any and all costs relating to the supervision, receive approval from the Board and Supervisor at least thirty (30) days prior to changing supervisors by providing the name and curriculum vitae of the proposed new supervisor, reason for the change and proposed date of the change and requires Mr. Collins to appear before the board to petition the board to terminate the probation of his license. Mr. Stephens said the order further requires Mr. Collins to pay court costs in this matter including investigatory, administrative and reporting costs.

Dr. Vaughan made a motion, seconded by Dr. Kores, to accept the agreed order as written.

Upon discussion, a roll call vote was conducted and all members voted to accept the order as written. The motion carried.

Disciplinary Report

Ms. Phelps reviewed the disciplinary report with the board stating she is currently monitoring five practitioners to assure they are in compliance with the orders. Ms. Phelps said she has also enclosed a history of action taken by the board on past disciplinary actions for their review.

Ms. Phelps asked the board if they have designated a member to assure practitioners comply with agreed orders.

Dr. Vaughan made a motion, seconded by Dr. Gilleylen, to nominate Dr. Davis as the board designee. The motion carried.

Investigative Report

Ms. Phelps said of the nine complaints received this year six have been closed and three were sent to the Office of General Counsel. Ms. Phelps said there are 18 open cases, 15 cases from 2003 and three from 2004.

Report from Jerry Kosten

Mr. Kosten said a rulemaking hearing was conducted May 25, 2004 to amend Rules 1180-1-.04, 1180-2-.03 and 1180-3-.03 and 1180-4-.03 which will allow qualified applicants to commence their practice, upon completion of all licensure requirements, without having to wait until the next scheduled board meeting. Mr. Kosten said the amendments also require applicants to submit a certified or notarized copy of their birth certificate as part of the application process. Upon review, Dr. Vaughan made a motion, seconded by Dr. Davis, to approve the rule amendments as written. The motion carried.

Discuss and consider a rulemaking hearing to amend Rule 1180-1-.08 pertaining to continuing education and add recordkeeping requirements to the rules

Ms. Armstrong informed the board that Rule 1180-1-.08 states that Type 2 continuing education can only be from a state university in Tennessee, which would exclude continuing education from Rhodes College and Vanderbilt.

Dr. Davis said it was not the intent of the board to limit Type 2 continuing education to only state universities in Tennessee.

Upon discussion, the board decided not to amend the continuing education portion of the rules at this time.

Ms. Kosten presented a proposed new Rule 1180-1-.06 pertaining to the length of time practitioners are required to maintain patient records.

Dr. Davis and Dr. Vaughan stated they did not want to keep records for a lengthy period of time unless it's in the best interest of the patient.

Dr. Gale suggested that each board member check with their insurance company to ascertain if they have retention of records requirement.

Dr. Davis requested that the second sentence, under 4.(g)(4.) destruction of patient records, be deleted as it is difficult to understand. The board agreed to delete the second sentence.

The board requested that the language “urged to find a new psychologist, senior psychological examiner or psychological examiner and be informed that” under 4.(d)(l.) be deleted.

The board requested that the retention of patient records be changed from 10 to 7 years under 4.(f).

With the changes to the proposed Rule 1180-1-.06, Dr. Davis made a motion, seconded by Dr. Vaughan, to approve a rulemaking hearing for the new rule as amended. The motion carried.

Discuss Chapter No. 579

Ms. Bell said Chapter 579 allows retired practitioners to do volunteer work in a free health clinic without having to maintain licensure or pay the professional privilege tax.

Discuss Public Chapter 575 regarding independent reviewers for BIV to obtain medical records

Ms. Bell said Public Chapter 575 allows the board to authorize a consultant to subpoena medical records during an investigation if it has been determined that there is a violation of the practice act. Ms. Bell said the consultant must meet the same criteria as board members and if the board elects a board member to be the independent review they must recuse themselves from the hearing. Ms. Bell said the consultant would look at the allegations and only subpoena the records when necessary.

The board discussed its concern that to appoint a consultant as independent review may break the principle of trust and confidentiality.

Upon discussion, a roll call vote was conducted and all board members voted no to appoint a consultant as independent review with the exception of Dr. Davis who abstained. The motion died and Dr. Davis will continue to remain the board’s independent reviewer.

Discuss and vote to adopt disciplinary guidelines

Ms. Bell said the disciplinary guidelines were developed based on the scope and severity of the discipline, such as Level 2 which is a letter of reprimand and/or a Type C civil penalty and Level 3 which is suspension. Ms. Bell said the chart is flexible which allows the board to deviate between categories of discipline.

Dr. Davis made a motion, seconded by Dr. Vaughan, to adopt the disciplinary guidelines as written. The motion carried.

Review Minutes

Upon review of the minutes from the March 3-4, 2004 board meeting, Dr. Davis made a motion, seconded by Dr. Gilleylen, to approve the minutes with the noted corrections. The motion carried.

Office of General Counsel (OGC) Report from Nicole Armstrong, Advisory Attorney

Ms. Armstrong said there are 34 cases in OGC pertaining to the Board of Examiners in Psychology which involve 23 licensees. Ms. Armstrong said 27 cases represent complaints against psychologists and 7 cases represent complaints against Psychological Examiners.

Ms. Armstrong said Rule 1180-1-.10 regarding orders of compliance/modification, and personal appearances by disciplined licensees is being reviewed by the Attorney General's Office.

Administrative Report

Ms. Spitznas reviewed the administrative report with the Board stating there are 1215 active Psychologists and 658 active Psychological Examiners and Senior Psychological Examiners.

Ms. Spitznas said between March 3, 2004 and June 4, 2004 18 psychologists and 14 psychological examiners have renewed their licenses on line.

Ms. Spitznas said the freeze on travel has been lifted and if any board member would like to attend an association meeting or conference to let her know.

Dr. Davis said the board would like to send Ms. Maxwell to the ASPPB meeting in Atlanta. Dr. Gilleylen and Dr. Kores stated they are also interested in attending the ASPPB meeting.

Fiscal Report

Mr. Agee said the board's deficit continues to decrease and should be eliminated by next year.

Ms. Spitznas said the board members should receive the new fiscal report within the next 30 days.

Status Report

Mr. Agee reviewed the status report with the board stating there are 8 newly licensed Psychologists/HSP and 5 newly license Psychological Examiners.

Written Exam Results

Dr. Vaughan made a motion, seconded by Dr. Davis, to ratify the passing scores of the EPPP examination for the following Psychologists applicants and schedule them for the oral examination:

Jessica Ciavarella, Psy.D./HSP	642
Robert R. Jacobs, Ph.D./HSP	604

Edward R. Kovach, Ph.D./HSP **534**

Daniel J. Sullivan, Ph.D./HSP **599**

The motion carried.

Dr. Vaughan made a motion, seconded by Dr. Davis, to ratify the passing scores of the EPPP examination for the following Psychological Examiner applicant and schedule him for the oral examination:

Brian Wind **429**

The motion carried.

Oral Examination Results

Dr. Davis made a motion, seconded by Dr. West-Willette, to ratify the passing scores of the oral examination and issue licenses for the following Psychologists/HSP who have completed their postdoctoral supervised experience:

Jessica Ciavarella, Psy.D./HSP

Jerry N. Campbell, Ph.D./HSP

Nancy Perachio, Ph.D./HSP

Marie S. Hammond, Ph.D./HSP

Susan S. Mathews, Ph.D./HSP

Priscilla Partridge de Garcia, Ph.D./HSP

The motion carried.

Dr. Davis made a motion, seconded by Dr. West-Willette, to ratify the passing scores of the oral examination for the following Psychologists/HSP who are obtaining their postdoctoral supervised experience:

Robert Jacobs, Ph.D./HSP

Peter R. Harris, Ph.D./HSP

The motion carried.

Dr. Davis made a motion, seconded by Dr. West-Willette, to ratify the scores of the oral examination and issue licenses for the following Psychological Examiners:

Jennifer Couch

Jennifer Lewis

Carrie Askren

The motion carried.

Review oral examination tapes

Upon review of the oral examination tape of **Craig Hunter, Psychologists/HSP** who is currently completing his postdoctoral supervised experience, Dr. Davis made a motion, seconded by Dr. Kores, to give Dr. Hunter a passing score on his oral examination. The motion carried.

Upon review of the oral examination tape of **Jennifer Hinkle, Psychological Examiner**, Dr. Davis made a motion, seconded by Dr. Gilleylen, to give Ms. Hinkle a passing score on her oral examination. The motion carried.

Upon review of the oral examination tape of **Carolyn Thompson, Psychologist/HSP**, Dr. Vaughan made a motion, seconded by Dr. West-Willette, to request Ms. Thompson to retake the oral examination by Dr. Davis, Dr. Gale and Dr. Vaughan. The motion carried. Dr. Gale asked Ms. Spitznas to send Dr. Thompson a letter to this effect and imply that the examination will contain questions regarding the Tennessee statute and rules for psychology.

Discuss and consider elimination of the oral examination

Ms. Bell discussed the pitfalls of the oral examination which has not been proven to be psychometrically sound.

The board discussed their concerns over the fact that the tapes they reviewed at today's meeting were unclear and the questions asked the applicants were difficult to comprehend.

Upon discussion, Dr. Davis made a motion, seconded by Dr. Vaughan, that the board drop the oral examination and develop a continuing education requirement that applicants must obtain a three hour course in ethics and Tennessee law as part of the initial licensure process. The motion carried.

Ms. Bell reminded the board that if they review an application that is questionable they have the right to require the applicant attend the board meeting for an interview.

Review and discuss correspondence

The board reviewed a letter from Mr. Kevin Spotts with the American Psychological Association requesting a list of non-APA affiliated licensed psychologists. Ms. Spitznas said she contacted Mr. Spotts and informed him who to contact.

Conduct oral examinations

Upon conclusion of conducting oral examinations, Dr. Davis made a motion, seconded by Dr. Willette, to ratify the passing score of the oral examination and issue licenses for the following Psychologists/HSP who has completed their postdoctoral supervised experience:

Janet Foliano, Psy.D./HSP

Susan Mathews, Ph.D./HSP

Malcom Spica, Ph.D./HSP

Karina Stewart, Psy.D./HSP

Thomas Bishop, Psy.D./HSP

Mary Ellen Atkins, Ph.D./HSP

The motion carried.

Application file review

Dr. Gilleylen made a motion, seconded by Dr. Davis, to schedule **Elizabeth M. Capecchi, Ph.D./HSP**, to sit for the oral examination and be issued a temporary license. The motion carried.

Dr. Gilleylen made a motion, seconded by Dr. Davis, to schedule **Nancy Badger, Ph.D./HSP**, to sit for the oral examination and be issued a temporary license pending receipt of the affidavit of supervision from her supervisor. The motion carried.

Dr. West-Willette made a motion, seconded by Dr. Davis, to schedule **Christy Sorrell, Ph.D./HSP**, to sit for the EPPP examination and be issued a provisional license. The motion carried.

Dr. West-Willette made a motion, seconded by Dr. Davis, to schedule **Mehta Maki, Psy.D./HSP**, to sit for the EPPP examination and be issued a provisional license. The motion carried.

Dr. Davis made a motion, seconded by Dr. Gilleylen, to upgrade **Christie Teiman, Psychological Examiner**, to a Senior Psychological Examiner as all requirements have been met. The motion carried.

Dr. Davis made a motion, seconded by Dr. Kores, to schedule **Brian Haworth, Ph.D./HSP**, to sit for the EPPP examination and be issued a provisional license. The motion carried.

Dr. Davis made a motion, seconded by Dr. Gilleylen, to schedule **Jana Pressley, Psy.D./HSP**, for the oral examination and be issued a temporary license. The motion carried.

Dr. Davis made a motion, seconded by Dr. Kores, to schedule **Mona Bennett, Ph.D./HSP**, for the EPPP examination and be issued a provisional license.

Dr. Davis made a motion, seconded by Dr. Gilleylen, to accept the postdoctoral supervised experience for **Melody Morris, Ph.D./HSP**, and approve her for licensure. The motion carried.

Dr. Davis made a motion, seconded by Dr. Gilleylen, to accept the postdoctoral supervised experience for **Amanda King, Ph.D./HSP**, and approve her for licensure. The motion carried.

Dr. Davis made a motion, seconded by Dr. Gilleylen, to accept the postdoctoral supervised experience for **Peter Harris, Ph.D./HSP**, and approve him for licensure. The motion carried.

Dr. Davis made a motion, seconded by Dr. Gilleylen, to upgrade **Begum Y. Sarwar, Psychological Examiner**, to a Senior Psychological Examiner as all requirements have been met. The motion carried.

Dr. Davis made a motion, seconded by Dr. Gilleylen, to schedule **Stephanie Bellard, Ph.D./HSP**, for the EPPP examination and be issued a provisional license. The motion carried.

Dr. Davis made a motion, seconded by Dr. Gilleylen, to reinstate the license of **Lois Petrella, Psy.D.**, as all reinstatement requirements have been met. The motion carried.

Dr. Davis made a motion, seconded by Dr. Gilleylen, to schedule **Diana Baumgartner, Psychological Examiner**, for the EPPP examination. The motion carried.

Dr. Davis made a motion, seconded by Dr. Vaughan, to accept the postdoctoral supervised experience for **Jessica Ciavarella, Ph.D./HSP**, and approve her for licensure. The motion carried.

Dr. Davis made a motion, seconded by Dr. Vaughan, to accept the postdoctoral supervised experience for **Allison Ballew, Ph.D./HSP**, and approve her for licensure. The motion carried.

Dr. Kores made a motion, seconded by Dr. Davis, to schedule **Sharon Horn, Ph.D./HSP**, for the oral examination and be issued a provisional license. The motion carried.

Dr. Kores made a motion, seconded by Dr. Davis, to schedule **Shannon K. Hays, Ph.D./HSP**, for the EPPP examination and be issued a provisional license. The motion carried.

Dr. Kores made a motion, seconded by Dr. Gilleylen, to schedule **Myrna Kemp, Ph.D./HSP**, for the EPPP examination and be issued a provisional license. The motion carried.

Dr. Davis made a motion, seconded by Dr. Gilleylen, to deny the license application of **Lisa Dorn, Psychological Examiner**, as her practicum does not meet the requirements pursuant

to Rule 1180-3-.02(1)(g) which require her practicum supervisor to be a licensed psychologists with health service provider designation or equivalent. Dr. Davis said Ms. Dorn's supervisor is a Licensed Professional Counselor in Georgia. The motion carried.

Dr. Davis made a motion, seconded by Dr. Gilleylen, to schedule **Karen McClane, Psychological Examiner**, for the EPPP examination. The motion carried.

Dr. Vaughan made a motion, seconded by Dr. Davis, to deny the license application of **Michael Eaton, Psychological Examiner**, as his application does not meet the educational requirements pursuant to Rule 1180-3-.02(1). The motion carried.

Dr. Vaughan made a motion, seconded by Dr. Kores, to upgrade **Melissa Stutzman, Psychological Examiner**, to a Senior Psychological Examiner as all requirements have been met. The motion carried.

Dr. Vaughan made a motion, seconded by Dr. Kores, to schedule **Lisa Oglesby, Psychological Examiner**, for the EPPP examination. The motion carried.

Dr. Vaughan made a motion, seconded by Dr. Gilleylen, to deny the license application of **Cynthia Day, Psychological Examiner**, as her application does not meet the educational requirements pursuant to rule 1180-3-.02(1). The motion carried.

Dr. West-Willette made a motion, seconded by Dr. Gilleylen, to upgrade **Mary G. Feddick, Psychological Examiner**, to a Senior Psychological Examiner as all requirements have been met. The motion carried.

Dr. Gilleylen made a motion, seconded by Dr. Davis, to schedule **Crystal Hurst, Psychological Examiner**, for the EPPP examination and be issued a temporary license. The motion carried.

Dr. Kores made a motion, seconded by Dr. Davis, to delay the application of **Donna Fridgant, Psychological Examiner**, in order for Ms. Fridgant to provide proof that Trevecca Nazarene College is accredited and the academic program meets the educations requirements of Rule 1180-3-.02. The motion carried.

Correction to Agreed Order for Dr. Taran

Ms. Armstrong asked the board for a motion to accept the correction to the agreed order which states the suspension is to begin 30 days after the agreed order is entered.

Dr. Vaughan made a motion, seconded by Dr. Gilleylen, to accept the corrected agreed order for Dr. Taran. The motion carried.

Supervision for applicants practicing under a provisional or temporary license

Due to supervisors allowing applicants to begin accumulating postdoctoral supervision and/or working under a temporary license, the board requests that the administrative staff notify

supervisors that applicants cannot commence their postdoctoral supervision or practice until receipt of the provisional or temporary license.

With no other business to conduct, Dr. Vaughan made a motion, seconded by Dr. Gilleylen, to adjourn at 11:15 a.m., June 11, 2004. The motion carried.

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